

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTONIO BRINTLEY,

Plaintiff,

vs.

Case No. 06-CV-11571  
HON. GEORGE CARAM STEEH

TODD GILLESPIE,

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION (#20),  
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,  
AND DISMISSING PLAINTIFF'S CLAIMS

Plaintiff Antonio Brintley, a Michigan prisoner appearing pro se, filed a complaint against Southern Michigan Correctional Facility Officer Todd Gillespie on April 3, 2006 alleging an Eighth Amendment excessive force claim. Gillespie allegedly used excessive force when escorting Brintley to temporary segregation by pulling up on Brintley's handcuffs while Brintley was handcuffed behind the back. On September 11, 2007, Magistrate Judge Steven Pepe issued a Report and Recommendation recommending that Gillespie's motion for summary judgment be granted and Brintley's claims be dismissed because the record does not support a finding that Brintley's injuries were more than de minimis, citing 42 U.S.C. § 1997e(e); Adams v. Rockafellow, 66 Fed. Appx. 584, 586 (6th Cir. 2003); Luong v. Hatt, 979 F.Supp. 481, 485-86 (N.D. Tex. 1997).

"A judge of the court shall make a de novo determination of those portions of a report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636 (b)(1)(C). "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." Id.

Brintley has not filed timely objections. Having reviewed Magistrate Judge Pepe's Report and Recommendation,

The court hereby accepts the Report and Recommendation as its own. Gillespie's motion for summary judgment is hereby GRANTED. Brintley's claims are hereby DISMISSED with prejudice in their entirety.

SO ORDERED.

Dated: October 9, 2007

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 9, 2007, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Deputy Clerk